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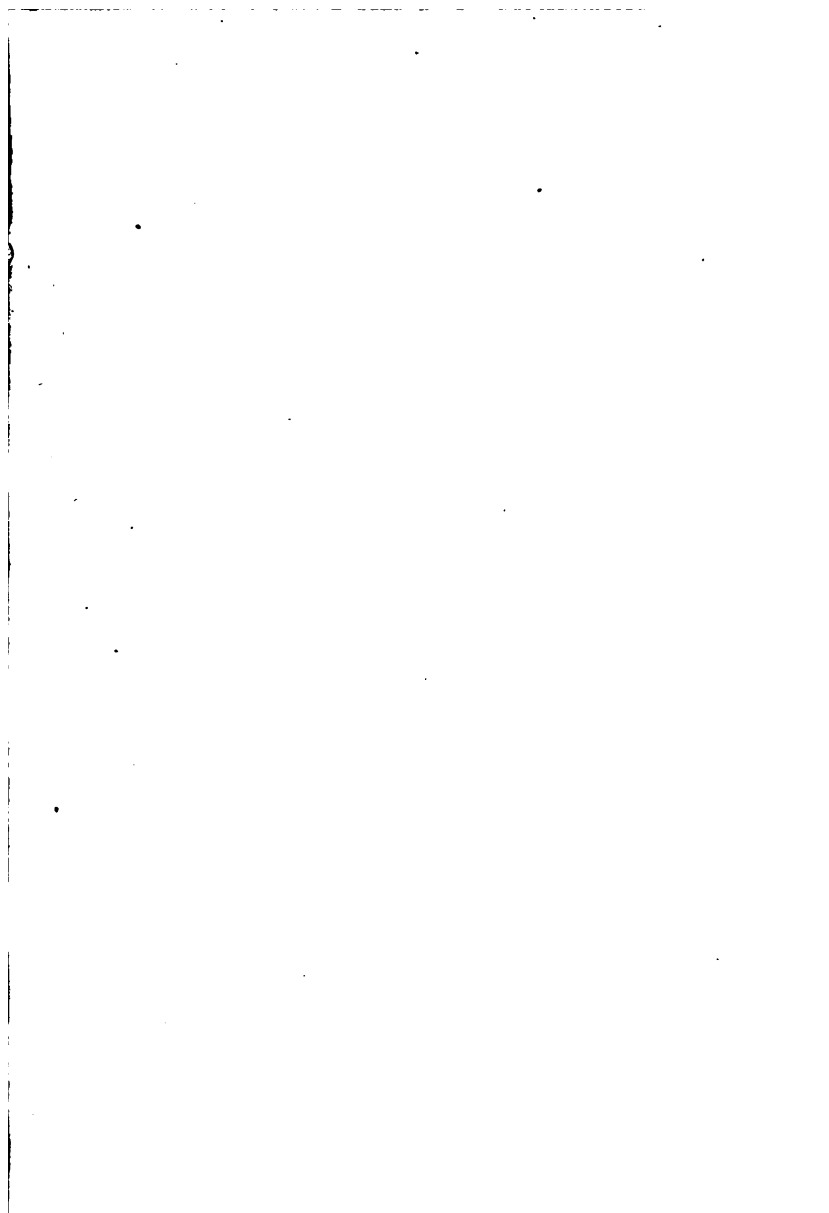
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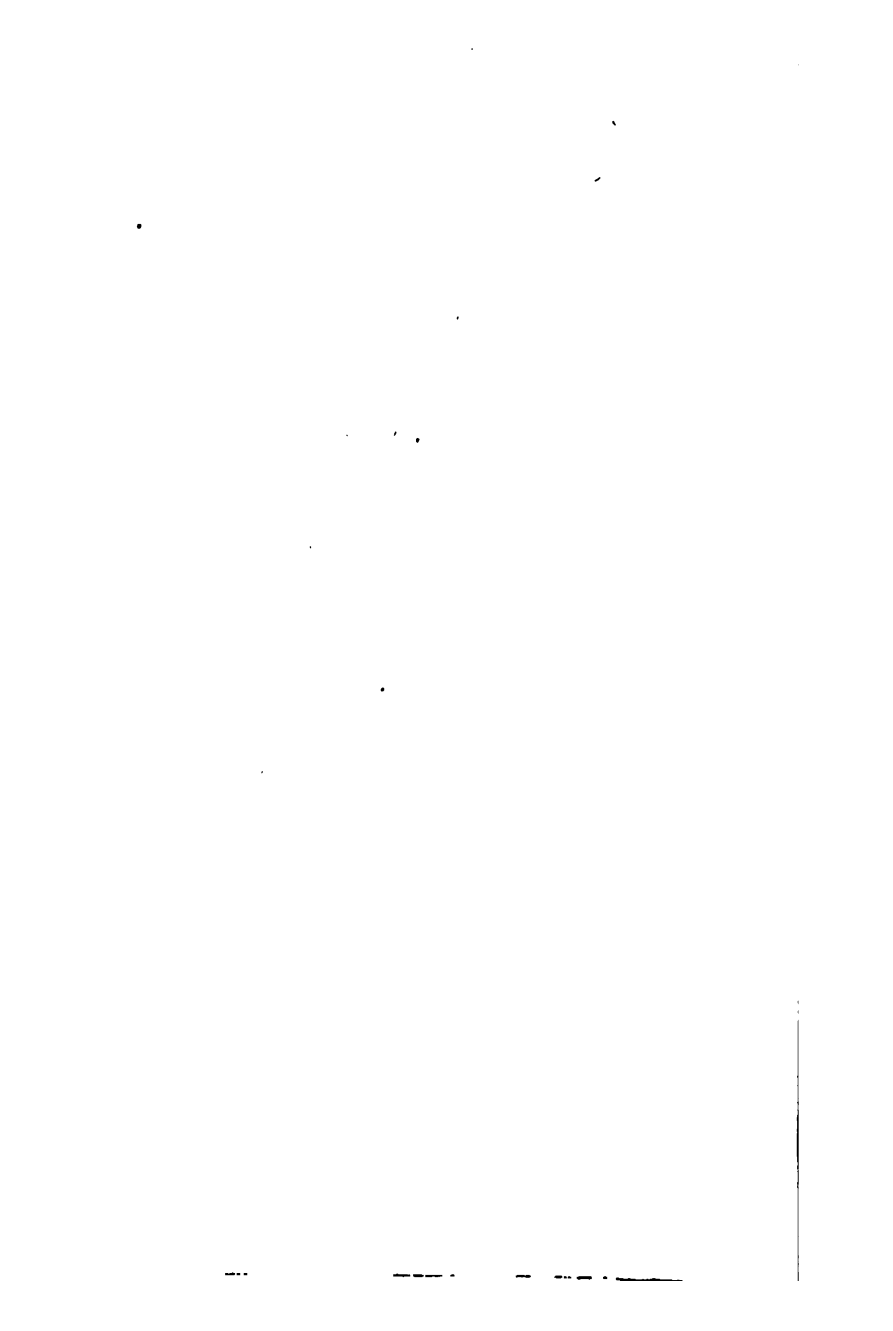




COMPANION

TO

LORD CAMPBELL'S LIFE OF BACON.



COMPANION
TO
THE RAILWAY EDITION
OF
LORD CAMPBELL'S LIFE OF BACON.

BY
A RAILWAY READER.

~~~~~  
Say, shall my little bark attendant sail,  
Pursue the triumph, and partake the rail?  
~~~~~

38

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1853.

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ADVERTISEMENT.

THE criticism upon Lord Campbell's 'Life of Bacon,' which forms the chief part of this little volume, appeared in the 'Examiner' on the 25th of December, 1852, in a notice of Mr. Bohn's recent edition of Bacon's moral and historical works. The pages referred to are those of the second volume of the 'Lives of the Chancellors,' third edition. The "Remarks" which I have prefixed and interspersed refer to the new edition of the 'Life of Bacon' which appeared about the beginning of May in 'Murray's Railway Reading,' and in which some of the passages referred to by the 'Examiner' have been altered. The criticism and the remarks together will form, it is thought, a useful companion to Mr. Murray's volume.

London, June, 1853.

COMPANION
TO
LORD CAMPBELL'S LIFE OF BACON.

INTRODUCTION.

WHEN I buy a book which calls itself a "Life," I presume, as a matter of course, that the statements which it contains are, to the best of the writer's knowledge, true; and if I find upon examination that circumstances of his own invention—some of which he had no reason to believe ever happened, and others he had good reason to believe never happened—are deliberately related in it as facts, I consider the publication a fraud; a case of obtaining money under false pretences; analogous in all respects (except that the law gives me no remedy) to that of a jeweller who

sells me for a diamond what he knows to be a piece of paste. There being no remedy however, there is the more need of caution; and a remarkable case of this kind having just now come under my own observation, I suppose I shall be doing a good service by making it known.

The case is shortly this. A few months since, a paper appeared in the 'Examiner,' undertaking, with reference to a recent essay on the Life of Bacon in which the writer had taken all his facts from Lord Campbell, to prove that his lordship's book was not to be relied upon as an authority for any fact connected with the subject. The argument was reduced to a very simple form. A series of distinct statements extracted from the latest edition of the 'Lives of the Chancellors' was set out on one side of the column; a series of passages extracted from the books, distinctly contradicting them, on the other. The list professed to be only a selection from one much larger, but it filled six columns of small type. The references were precise. The books referred to were accessible to everybody, and mostly the same which Lord Campbell himself had used. The differences were in matters not of opinion, but of fact, and were in all the cases glaring and undeniable, in many by no means immaterial. But this was not the worst.

It was not in the detection of particular errors, however numerous and however inexcusable, that the fatal part of the exposure consisted. A book written by a veracious man with imperfect information may contain a hundred particular errors, and be a very good and even a very true book notwithstanding; but this is only where the writer deals faithfully with such information as he has. A right view on one point will give such a direction to his judgement that, though it may go wrong, it will not go *far* wrong on another. The fatal point in Lord Campbell's case was this:—it was evident that he had written the Life of Bacon not only without taking ordinary pains to procure information where he had it not, but with a deliberate and habitual disregard of the information which he had. It was impossible to compare the opposite sides of those six closely-printed columns without feeling that, if the parallel quotations were correctly given, he was a writer not of biographies, but of biographical romances; using habitually as large a license in the way of alteration, omission, transposition, and simple invention, as any professed writer of fictions founded on fact need desire. Nor was it possible to turn to the places referred to without finding that the quotations on both sides of the column were scrupulously correct. On these points however I wish the reader

not to take my word, but to use his own eyes and judge for himself.

Not long after the appearance of this article, the advertising list of "Murray's Railway Reading" announced, among its forthcoming treasures of sound information and innocent amusement, "The Life of Lord Bacon, by Lord Campbell"; and I was curious to know in what form it would appear,—whether an attempt would be made to remove the errors which had been exposed, or whether the exposure would be simply ignored, and the work reprinted without alteration or explanation, in the belief that the reading public, desiring only amusement, are too ignorant to know, too idle to inquire, and too indifferent to care, whether the books they read be true or false witnesses concerning the matters of which they treat. Neither of these courses was without its difficulty. For though the particular errors pointed out in the 'Examiner' might have been corrected, no reader who had examined and weighed them, and considered what they implied as well as what they were, could have been satisfied with that alone; for he must have felt that the disease of which those errors were only symptoms lay far too deep to admit of any effectual cure, except by pulling the whole thing to pieces and building it up on a new foundation. Besides, the


critic had intimated that his store was not exhausted, but would furnish a second list of the same kind as long as the first; and as Lord Campbell knew very well that if his book was vulnerable in one point it was vulnerable all over (being all run up on the same plan,—that, namely, of taking without inquiry whatever he found ready to his hand in the latest and most popular exposition, and where details seemed wanting to give spirit to his narrative, filling it up with inventions of his own), he felt, no doubt, that to correct *all* and *only* those particular errors would be to confess the sin without entitling himself to absolution. On the other hand, to reproduce the *Life* exactly as it was, without alteration or explanation, would be a bold measure even for the author of the ‘*Lives of the Chancellors*,’ with all the encouragement of the last six years to support him. For as indulgent as the reviewing and review-reading public is disposed to be towards the grossest historical misrepresentations, so long as they are fairly imputable to nothing worse than ignorance, idleness, or want of judgement, yet the deliberate reproduction of distinct misrepresentations which have been publicly challenged, confuted, and corrected, and that in a series of works professing to contain “sound information and innocent amusement suited for all classes of readers,” is rather more

than the most indulgent reader can be expected to excuse.

Well, the book is out at last, and it is for Railway-readers to say what they think of it, and whether they will have it. It seems that Lord Campbell (for I assume that the publisher has acted with his authority), in endeavouring to steer between these two difficulties, has in fact fallen foul of both. The book appears without a word of explanation. First comes the title-page, "The Life of Lord Bacon, by John Lord Campbell, LL.D., F.R.S.E. [extracted from the 'Lives of the Lord Chancellors'];" then the table of contents; then the Life itself. Not a word before or after to indicate that any part has been revised or any word altered. But when I turn to those passages which I know of, what do I find? I find that *in about half of them* alterations have been silently introduced; alterations sufficient in two or three of the cases to remove the error altogether; sufficient in most of them to remove it so far out of sight that, though still there, it is no longer exposed to the same decisive confutation; sufficient in almost every one to show from what source Lord Campbell has derived the new information by which the change has been suggested. In the other half no alteration has been made at all. The challenged statements stand

exactly as they did, uncorrected, undefended, unexplained, unnoticed. By what principle he has been guided in choosing which to correct and which to leave uncorrected, it is difficult to guess; for among those which he has left are several quite as decisive, quite as important, quite as destructive of all pretensions to the character of a trustworthy writer, as most of those which he has altered. So however it is. I cannot affect to doubt that he had the whole criticism before him, and that these are the only alterations which he has thought it necessary in consequence to introduce.

Now comes the question, whether this is to be tolerated. It is sufficiently discreditable to our literary police that the 'Lives of the Chancellors' should, on its first appearance, have passed through all the reviews with nothing but compliments. It is not very creditable to the reading public, that in the course of six years they should not have detected for themselves, without the help of reviewers, the real character of the book. But if, after being publicly denounced, exposed, and convicted, it shall still be permitted to go about in company with books of good repute, the discredit will fall on literature itself. The respectability of the whole profession is concerned in putting it down.



Now the difficulty is not in proving the case, for the evidence is sufficient to ensure a conviction before any jury, but in obtaining a hearing for it. And in this respect it must be admitted that Lord Campbell stands at a great advantage. His first three volumes took public opinion as it were by surprise. The announcement that he was about to appear as an author at all had excited general curiosity, mixed with wonder. The first sample was scarcely out, when the 'Quarterly Review' greeted it with a burst of applause, assuring us, more especially with regard to this particular performance, that "Lord Campbell had produced a masterly review of Bacon's whole career,"—"a specimen of care and taste which had not been excelled by any effort of this age so rich in biography;" from which they would make no extracts, but "leave it unbroken, to be studied and admired now and hereafter in the work on which it alone would have been sufficient to stamp the character of solid worth." Other critics, urged by the curiosity of their readers to report upon the book before they had had time to examine it, followed in similar strains of unsuspecting eulogy. The few remonstrant voices were scarcely heard amid the general applause; and of those whose previous studies enabled them to see at once its real character and the manner in which it had been put together, the

greater number shook their heads, smiled, and let it pass, as an imposture too palpable to be worth exposing. But the reputation of a book which has been praised by most of those whose business it is to judge for others, and read in faith by thousands who have no means of judging for themselves, is not so easily overthrown; and in spite of the protests which have been dropping in ever since from all who have really visited any of the places through which Lord Campbell travelled with such wonderful expedition, the 'Lives of the Chancellors' still keeps its place on the lower shelf, is still consulted and quoted as a popular authority, and is now, it seems, to be distributed in separate portions for the special benefit of railway readers. Against a reputation thus established and a circulation thus secured reviews can do but little. The periodical criticism may produce an effect at the time, but it is laid by next week, and is no longer producible. The 'Examiner' of the 25th of December has long since passed into the wastebasket, or is tied up somewhere in the closet, or at best is bound into an unwieldy volume. Lord Campbell's 'Life of Bacon' glows in scarlet on every railway-stall, and may be had for half a crown. To be encountered effectually it must be met on its own ground.

By so meeting it however, I am not without hope that something may yet be done. I am sure that for the credit of literature something ought at least to be tried; and I do not think that the trial can be made more fairly or with a better chance of success, than by reprinting the paper which appeared in the 'Examiner' in a form suitable for circulation, and with notes. This I have accordingly obtained leave to do. The paper itself I have given exactly as it was; but at the end of each article I have added some remarks of my own, showing what alterations Lord Campbell has thought fit to make in consequence, what passages he has left unaltered, and how far in each case the alterations which he has introduced are sufficient to remove the objection. The conclusion I leave to the reader's judgement.

NOTICE
OF
MR. DEVEY'S ESSAY
ON THE LIFE AND WRITINGS OF BACON*.

[*Reprinted from the 'Examiner' of December 25, 1852.*]

THE biographical portion of Mr. Devey's introduction may be regarded as an abridgment of Lord Campbell's 'Life of Bacon'; for though many of the statements have been inadvertently altered in the process of reduction, the alterations are for the most part not corrections, but corruptions; and it is easy to see that Mr. Devey has been satisfied with Lord Campbell's authority, and looked no further.

Now, if Lord Campbell had spent forty years upon the life of one chancellor, instead of four upon the lives of a hundred and fifty, we should not even then have thought an editor and biographer justified in repeating his statements without inquiry, in matters concerning which the whole evidence lay within his

* Prefixed to Mr. Bohn's edition of Bacon's moral and historical works.

own reach. The most careful man will make mistakes, and Lord Campbell, though he has had credit given him for most of the merits of a biographer, has been even by his most ardent admirers rather excused for occasional stumbles in consideration of the great speed with which he travelled, than pronounced infallible. But if the impressions derived by one man from a four years' excursion through the records of eight centuries—a kind of holiday tour in search of the historical picturesque—are to be adopted without inquiry by every succeeding biographer as historical facts, it becomes necessary to look a little more closely into his title to so large an authority over so extensive a domain.

It is now six years since, in welcoming Lord Campbell's three first volumes a few weeks after their appearance, we hazarded an opinion with regard to the particular life of Bacon, that when his lordship came to consider the subject a little more closely, he would see reason to alter his story in one or two points; and having had occasion since that time to consider the subject a little more closely ourselves, we are sorry to say that we find he has more work to do in that way than we then suspected. We cannot afford space for half the points which we have noted as requiring correction; but we submit both to himself with a view to the improvement of his next edition, and to all biographers who may be travelling over any part of his ground, for their serious caution and warning, the following *selection* from our list,—the list itself being

the result of a comparison between the statements which we find in Lord Campbell and the facts which we find in the books to which he refers, or should have referred, us for authority. We have set them forth as simply as we could, and without comment ; and we have selected from our collection, not those in which the misrepresentation involved appears to us largest and most mischievous, but those in which the discrepancy between the statement and the fact is most obvious and undeniable, and can be made intelligible without raising any difficult or disputable question,—without appealing to any evidence which is not easily accessible to everybody,—without the help of any learning or sagacity, moral or intellectual, or of any faculty but that of eyesight and the sort of understanding which all men have who are allowed to go about by themselves. We have not omitted or distinguished from the rest those statements for which Lord Campbell might have vouched the authority of Mr. Macaulay or Mr. Montagu, and which he has indeed taken, or meant to take, from them, because they are not so distinguished in his book ; and the conclusion which we wish now to establish is merely this, that *his book, as it stands in the latest edition, cannot be relied upon as an authority for any fact connected with the life or works of Bacon.*

We make no apology to our readers for the space which we have devoted to this subject. More is in question than the value of rival biographies. The value of no less a thing than Bacon's great bequest

to the next ages,—the memory of his life, his words, his thoughts,—depends upon their being faithfully reported and justly interpreted. And if it be true that such report and such interpretation is not to be looked for in the latest and most popular biographies, the knowledge of the fact is well worth the space which is necessary to make it clearly out.

I.

STATEMENTS WHICH WE FIND IN
LORD CAMPBELL (pp. 288-9).

That "*after the recall of Sir Amyas Paulet*, Bacon made a tour," etc., "and then fixed himself for steady application at Poitiers;" but that "while thinking he should spend his life in such speculations and pursuits . . . he *heard of the sudden death of his father*," and "instantly returned to England." And this is a point of some importance, if it be true, as Lord Campbell assures us (p. 288), that this passage in his life "has received too little attention," that these years were "the most valuable of his life," and that "his subsequent literary eminence may be traced to his long sojourn in a foreign country during the age of preparatory studies—almost as much as that of Hume or Gibbon."

FACTS WHICH WE FIND IN THE
BOOKS.

In Lord Burghley's Diary (Murdin, p. 780), we find that Sir Amyas Pawlet was recalled on the 1st of November, 1579, and that Sir Nicolas Bacon died on the 20th of February, 1578-9, nine months *before*.

REMARKS.

If this passage in Bacon's life has received too little attention, it is strange that Lord Campbell

should not be disposed to pay a little more attention to it himself. His error (derived, I see, from Mr. Montagu) as to the date of Sir Amyas's recall would have been hardly worth mentioning, but for the inference which is drawn from it with regard to the manner in which Bacon spent those three years. If Sir Amyas had been recalled before the three years were out, it would have been fair to infer that Bacon spent the rest of the time in travelling; and the fact, though not so important as Lord Campbell represents it to be, would have been sufficiently interesting to be worth recording. For the same reason, if there is reason to think that he did *not* so spend them, that fact is worth recording also.

Now as Sir Amyas was certainly not recalled within the three years, as he certainly did go to all the places which there is any reason to suppose Bacon ever visited, and as Bacon has himself said (Works, vol. vi. p. 54) that he was "*three of his young years bred with an ambassador in France,*" the presumption is that he was with Sir Amyas all the time, and spent no part of it in the sort of tour which Lord Campbell describes. And this was the mistake which it was important to correct. Yet he leaves this part of his story unaltered, merely replacing the words "*after the recall of Sir Amyas Paulet*" by the words "*after passing a few weeks more in the gay society of Paris under the auspices of Sir Amyas Paulet*" (see p. 10); and then going on as before, leaving us to suppose that Bacon left Sir Amyas at Paris and proceeded on

his travels by himself. The statement as it now stands, therefore, though no longer irreconcilable with the fact by which the 'Examiner' confronts it, remains in this material part of it as inaccurate as it was before.

II.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 288).

That the "tour" which Bacon made "after the recall of Sir Amyas Paulet" was "through the southern and western parts of France."

FACTS WHICH WE FIND IN THE
BOOKS.

From the dates of Sir A. Paulet's despatches, which may be seen in the catalogue of the Cotton MSS., p. 169, we learn that all the places which Bacon is known or supposed to have visited

in France were visited by Sir Amyas, on the business of his embassy, in the autumn of 1577; and we infer that where Sir Amyas, writing to Sir Nicholas Bacon in September, 1577, when he was at Poitiers, tells him that "your son, *my companion*, has passed the brunt and peril of *this* journey" [not "*his* journey," as Lord C. prints it, note p. 288], he alludes, not as Lord C. imagines, to "a short visit" made by Bacon "to his family" with despatches,—but to his own journey, with Bacon in his company, from Paris through Blois and Tours to Poitiers.

REMARKS.

That Bacon's "tour" was "through the *southern and western* parts of France" was Lord Campbell's own statement, founded apparently upon the fact that he went as far south-west as Poitiers. Mr. Montagu only says that he "travelled into the French

provinces," and Mr. Macaulay that he "made a tour through several provinces." If it be true, as the facts seem to indicate, that he merely followed the movements of the French Court, in the suite of the ambassador, from Paris to Blois, from Blois to Tours, and from Tours to Poitiers; and all this in the autumn of 1577; I think nobody will be able to infer the truth from Lord Campbell's words, which are evidently meant to describe both a different course and a different kind of travelling. It is a matter of small consequence, (unless indeed one could believe with Lord Campbell that Bacon's "subsequent literary eminence may be distinctly traced to this long sojourn in a foreign country," etc., in which case it would be a matter of very great interest to know all the particulars of it,) yet it is a pity not to have the true instead of the fancy account of it, when one is as ready at hand as the other.

And so also with regard to the "short visit to his family with despatches." For there is no alteration in any part of this passage except in the clause about Sir Amyas's recall. See pp. 10, 11.

III.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 289).

That Bacon wrote his Notes on the State of Europe while he was at Poitiers; and that he returned to England in March, 1579.

FACTS WHICH WE FIND IN THE
BOOKS.

From various allusions in the Notes themselves (see especially pp. 17, 19), we learn that they cannot have been written before the summer of 1582.

REMARKS.

This again (p. 11) is retained exactly as it was. For though the date "March, 1579," being confined to the margin of the original edition, disappears along with all the other marginalia from the new volume, it is implied in the statement that Bacon returned to England instantly upon hearing of his father's death, which was on the 20th of February, 1578-9. However, I have no great fault to find with Lord Campbell for adhering to his former statement in this case; not because I regard the correction as either doubtful or unimportant (for the difference between nineteen and twenty-two is the difference between a boy and a man, and it is something to know at which of those ages a treatise like this was composed); but because he very likely thought it correct. He had both Mr. Montagu's and Mr. Macaulay's authority for saying that the "Notes" were composed in France, and probably did not understand the allusions from which the 'Examiner' infers that they were written in 1582. To me those allusions appear conclusive; but it would take more time to explain them than the matter is worth, especially as there is no good reason for thinking that the notes in question were written by Bacon at all.

IV.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 288).

That "Bacon's *original*
plan had been to visit Italy,

FACTS WHICH WE FIND IN THE
BOOKS.

From Birch's *memorials*,
vol. i. p. 21, we find that in

but on inquiry all accounts agreed that from the rigour of the Inquisition an English Protestant would not have been safe in that country :” (the period referred to being some time between 1576 and 1579.)

March, 1582, “the handling of our nation in Italy was daily worse and worse,” for that “the Inquisition was newly established in Venice and through all Italy against strangers, especially our nation,”—and (p. 23) that in the following summer *Anthony Bacon’s* “return was wished for by all his friends, especially as *he was now prevented from going to Italy.*”

As we can find no allusion anywhere to any intention on the part of *Francis Bacon* to visit Italy, we conjecture that this is the origin of Lord Campbell’s statement,—through what intermediate channel derived we have not been able to discover.

REMARKS.

For this statement Lord Campbell is, I think, the sole authority ; and he leaves it (p. 11) as it was ; either having some private reason, which he does not disclose, for thinking that Bacon did intend to visit Italy, or thinking that a mistake which only relates to an unfulfilled intention cannot be of consequence enough to be worth correcting. As regards Bacon indeed, it is not of much consequence. But the deliberate determination to let it stand when a single stroke of the pen would have expunged it, is a fact of considerable consequence as regards Bacon’s biographer. It suggests an important warning to the reader ; for it implies a want in the writer of that

solicitude to avoid incorrect statements, without which no man ever acquired the right to have his statements relied upon. I say this of course on the assumption that there is no authority for the assertion: to establish a negative is in such a case hardly possible.

V.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 289).

That "the Cecils not only refused to interest themselves for their kinsman, but now [1579] and for many years after—that he might receive no effectual assistance from others—they spread reports that he was a vain speculator, and totally unfit for real business." And again (p. 298, note), that in 1594 "the Cecils were pretending to support, although they secretly sought to depress him." And again, p. 300, that "there can be no doubt that in such an appointment" (meaning the office of Solicitor-General) "the Queen would have been guided by the sincere advice of him who had induced her

FACTS WHICH WE FIND IN THE
BOOKS.

From Bacon's own letters we learn (vol. v. p. 210) that on the 18th of October, 1580 (the date of the letter as printed in Strype), he considered Burghley's "recommendation" as having been "material to advance her Majesty's good opinion of him"; that in the summer of 1595, when the Queen visited Burghley in his sickness, he had recommended him to her "for employment and preferment" (p. 219); that in the course of the following year, in recounting the "many benefits" for which he had to thank Burghley, he mentions particularly "the reversion of the office [Clerkship of the Star

to make Sir Nicolas Bacon Chamber] *which your Lordship only procured unto me and carried through great and vehement opposition,*" which was in 1589 :—his "*constant and serious endeavours to have him made Solicitor*" (1593–5)—his "late honourable wishes for the Court of the Wards,"—his "attempt to give him way by the remove of Mr. Solicitor," which must have been after November 1595 ;—"besides many other favours, as well by his grants from himself as by his commendations to others" (p. 211). Moreover, while we find no evidence that Burghley ever *pretended* to favour Bacon's suit for the place of *Attorney*, we find very good evidence that he did sincerely support his suit for that of *Solicitor* ; at any rate, that the Queen believed him to be sincere ; for we find Essex writing to Bacon on the 28th of March 1594 (vi. p. 9), "Then she told me that none thought you fit for the place *but my Lord Treasurer* and myself," and again on the 18th of May (p. 14) "she answered that the greatness of your friends, as of *my Lord Treasurer* and myself, did make men give a more favourable testimony than else they would do,—thinking thereby they pleased us." By a remarkable oversight, Lord Campbell has passed both these passages by without notice, though he has quoted the passages *immediately preceding* them both (pp. 301–2).

REMARKS.

I cannot but think that Lord Campbell was here convicted of a grave and considerable misrepresentation. . And though I should be willing to admit the authority of Mr. Macaulay, from whom it was derived,

as an excuse for his original misconception of Burghley's conduct to Bacon, it was not so easy to acquit him of very culpable carelessness in not detecting the mistake when he came to read and make extracts from the letters which so plainly contradict it. But if it was culpable carelessness then, what shall we call it now? In none of these statements (see pp. 12, 24, 27), has he thought it necessary to change a word. The sentences which he had omitted from Essex's letters, though his attention has been thus especially directed to them, he has not replaced, nor has he taken any notice of the omission. He still asserts with as much confidence as ever that "the Cecils," (that is Burghley, the Lord Treasurer, and his son Robert,) acted for many years a false and insidious as well as an unfriendly part towards Bacon, "pretending to support though they secretly sought to depress him," and that Burghley could have made him solicitor if he would; and this in the face of the clearest evidence—no, not in the face of it, for he keeps it out of sight—that Burghley was believed by those who had the best means of judging to be sincerely desirous of placing him in the office. Have we not here evidence of the most authentic and unsuspected kind, that the Queen coupled Burghley and Essex together as Bacon's declared friends, and alleged the notoriety of the fact as the reason why others spoke better of him than they really thought he deserved? What right then has Lord Campbell to suppress evidence like this, and tell us, as if it were a thing which every-

body knew, that Burghley was acting falsely all the time from motives of mean ambition and jealousy on behalf of his favourite son? Burghley is one of our English worthies, and England should forbid her biographers to cloud his reputation with groundless slanders.

VI.

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| STATEMENTS WHICH WE FIND IN LORD CAMPBELL (p. 290). | FACTS WHICH WE FIND IN THE BOOKS. |
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|---|--|
| That Bacon was <i>entered</i> of Gray's Inn in 1580. | From Craik's account of Bacon and his writings (i. 12) we learn (on the authority of a MS. volume of Records of Gray's Inn) that he was entered on the 21st of November, 1576. |
|---|--|

REMARKS.

This mistake Lord Campbell has really corrected; not only putting out what was wrong, but putting in what is right. Instead of "*was entered of*," we now read (p. 12) "*began to keep terms in*;" and the following note is added: "The records of Gray's Inn represent him as having been entered on the 21st of November, 1576; which must have been on leaving the University."

The reason of this almost singular concession seems to be, that Mr. Montagu, from whom the original statement came, had expressed himself doubtfully on the subject. The admission-book of Gray's Inn being mutilated, and only showing that Bacon was a member in 1581, Mr. Montagu *conjectured* that he had been entered in 1580, but qualified the statement by adding

"as it seems." On the strength of this qualification Lord Campbell appears to have felt himself justified in preferring the evidence of the records to that of Mr. Montagu; a liberty which he very rarely allows himself, as we shall see.

VII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 290).

FACTS WHICH WE FIND IN THE
BOOKS.

That his chambers, "No. 1, Gray's Inn Square, remain in the same state in which he occupied them."

In Pearce's History of the Inns of Court, we are told that the block of buildings in which they stood has been long since pulled down.

REMARKS.

This again is a small matter, relating to nothing greater than Lord Campbell's authority; which however is much greater than it ought to be. But I must take them as they come; and they are of all sizes. If not important however, it is amusing and not without significance.

In this instance, as in the last, Mr. Montagu speaks not positively,—appealing only to common report; and therefore Lord Campbell is again content to make a concession, though on this occasion a very small and cautious one. He is still of opinion (p. 13) that "No. 1. Gray's Inn, north side, one pair of stairs" (see Montagu's Life of Bacon, note T) is the same "elegant pile or structure" which was erected, according to Dr. Rawley, by Bacon himself, and "com-

monly known by the name of the *Lord Bacon's Lodgings*." But he thinks they may perhaps have been a little altered; for he now only tells us that they "remain *nearly* in the same state in which he occupied them." How far Mr. Pearce,—who informs us (p. 326) that "Bacon's chambers were in No. 1, *Coney Court*, which formerly stood on the site of the present row of buildings at the west side of Gray's Inn Square, adjoining the gardens," but that "*the whole of Coney Court was burnt down* by [a] fire which occurred in the Inn about the year 1678,"—will be satisfied by this concession, I do not know. It sounds to me very like the concession made by Charles Lamb's fellow-passenger in the old Margate hoy. "Hitherto he had found the most implicit listeners. His dreaming fancies had 'transported us beyond the ignorant present.' But when (still hardying more and more in his triumphs over our simplicity) he went on to affirm that he had actually sailed under the legs of the Colóssus at Rhodes, it really became necessary to make a stand. And here I must do justice to the good sense and intrepidity of one of our party, a youth that had hitherto been one of his most deferential auditors, who from his recent reading made bold to assure the gentleman that there must be some mistake, as 'the Colossus in question had been destroyed long since:' to whose opinion, delivered with all modesty, our hero was obliging enough to concede thus much, that 'the figure was indeed a little damaged.'"

The fact, I suppose, is that Bacon's lodgings stood *on the site* now occupied by No. 1, Gray's Inn Square.

VIII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 291).

That between 1580 and 1586, Bacon "*published* a little sketch of his system, under the somewhat pompous title of the 'Greatest Birth of Time';" but that "it seems to have *fallen still-born from the press*: and we should hardly know of its existence but from the notice of it in a letter to Father Fulgentio."

FACTS WHICH WE FIND IN THE
BOOKS.

The letter itself (but for which we should not know of it *at all*), as quoted by Lord Campbell himself, only says, "Equidem memini me, quadraginta abhinc annis, juvenile opusculum circa has res *confecisse*, quod magnâ prorsus fiduciâ et magnifico titulo 'Temporis Partum Maximum' inscripsi."

REMARKS.

The question here at issue is one of considerable bibliographical, and of some biographical interest. If Bacon *published* the first sketch of his system, there is yet a possibility of recovering it; a copy may still be extant somewhere; and since among his philosophical writings that have come down to us, in print or in manuscript, there is none that can reasonably be supposed to have been written so early by many years, it would be extremely valuable as well as very curious. Is there any reason to suppose that it was ever published? Lord Campbell (p. 14) still thinks there is. Mr. Montagu (vol. xi. p. 7) has re-

presented Bacon himself as saying that it was, and has guarded the assertion by no qualification (except indeed the quotation of Tenison's translation of the words,—which says only that it was *composed*), and therefore so it must have been. *Conficere* must mean to *publish*: the “Greatest Birth of Time” must have “fallen still-born from the press.”

IX.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 292).

That “he *now* (that is, in 1590–91) acquired such reputation in his profession, that the Queen, for the benefit of his assistance in her State-prosecutions, appointed him her counsel extraordinary;” that “*he was exceedingly delighted with this glimpse of court favour*, but derived little solid advantage from it, for he was allowed no salary, and had only a few stray briefs with small fees when it was thought he might be of service to the Crown.”

would refer us to the place where he found evidence of Bacon's “*exteeding delight*” at this promotion. His delight would probably be expressed when it was new, and therefore might help to fix the date.

FACTS WHICH WE FIND IN THE
BOOKS.

From Bacon's Letters we learn (vol. v. p. 303) that in 1606 he had been *nine* years in the service of the Crown; and (vol. iii. p. 212) that in 1604 he had been continually used in “all the business that passed the hands of the learned counsel, either of state or revenues, *these many years*,” though he “had no ordinary place.”

By this therefore it should seem that the appointment was made about the year 1597; but we can find no decisive evidence as to the date. Perhaps Lord C.

REMARKS.

The question is not merely whether Bacon received this remarkable distinction from the Queen when he was only thirty, or not till he was thirty-six or seven; but also whether he received it before or after the time when he was encouraged by the Queen herself to hope for the attorneyship, and fully to expect the solicitorship; a great difference, as bearing upon the development of his fortunes; and therefore the doubt worth mentioning. It was hardly to be expected however that Lord Campbell should make any change in deference to a mere conjecture. For dating the appointment in 1590, he had the concurrent authority of Mr. Montagu and Mr. Macaulay, whose statements, whether concurrent or single, he always treats as of higher authority than the evidence upon which they are founded. And since their opinions outweigh with him the most distinct and express evidence of the most authentic records, he was not likely to allow any weight to a doubtful inference. The only change which he has made (p. 16) appears to be merely accidental, and I think no change at all was intended. The date (1590) which was in the margin of the original being omitted in the new volume, it is no longer certain to what period *now* refers. The context, unexplained by the margin, would lead one to place the appointment a year or two earlier, but I think it was not meant to convey that impression.

The fact of Bacon's "exceeding delight" is asserted as before, without explanation or confirmation. It was

a contribution of Lord Campbell's own, derived from some very rich source of information to which he has exclusive access, and from which he draws largely. I cannot help thinking that he is injudicious in keeping the nature and history of these private records so profoundly secret. The information they appear to contain is of the most interesting kind, giving the minutest personal details, and extending not only to the most confidential conversations, but even to the most private thoughts. If he would but have their authenticity properly attested, and put some distinguishing mark upon the passages for which he is indebted to them,—such as a reference to *MSS. penes me*,—the quantity of original information which his 'Lives' contain would appear much more clearly.

X.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 295).

That in February 1593 [meaning 1592-93], the Government had been "*carried on for some years by prerogative alone.*"

FACTS WHICH WE FIND IN THE
BOOKS.

In Dewes's journals we find that during the eight years preceding there had been granted by Parliament in March 1588-9, two subsidies (p. 444), (the largest grant that had ever been made by any Parliament); in March 1586-7, one subsidy (p. 412), (together with an offer from the House of Commons, which the Queen declined, of a *Benevolence* (pp. 387, 414, 416); in March 1584-5, one subsidy (p. 366).

These subsidies were collected by annual payments of *half* the amount; therefore there was not one of these

eight years in which the prerogative had not been assisted by a Parliamentary tax of half a subsidy; and the last payment had only just been received. (*See Statutes of the Realm.*)

REMARKS.

Here we have a mistake of much greater importance, bearing not so much upon the life and character of Bacon as upon the history of the reign of Elizabeth, and indeed of the English constitution itself. Yet Lord Campbell pays not the slightest attention to it. His former statement he reprints (p. 20) exactly as it was, except that he changes *some* into *several*; for what reason I cannot guess, for the meaning is not affected by the change. It cannot have been the trouble of correction that he shrank from; for all the change that was wanted would have been as easy as no change at all. It was only to strike out the clause. The error it contains was entirely his own; it is not countenanced by either of his favourite authorities, does not appear to have been derived from those private records, is manifestly incompatible with the unquestionable evidence of public records, is damaging to his reputation not only as a biographer but as a constitutional lawyer; and his own sentence would read just as well without the clause. That he does not understand where the error lies, is hard to believe; but I will try to explain it more clearly.

“After a government carried on for several years by prerogative alone, a Parliament met on the 19th of February, 1593.” Now to say that in Elizabeth's time

government had been carried on by prerogative *alone*, especially as introducing the fact that a Parliament met at last, is no vague insinuation. It cannot be taken to mean merely that Government had been carried on in an arbitrary manner, and the prerogative of the Crown used for unconstitutional purposes. It cannot mean less than that the Government had been carried on *without help from Parliament in the shape of money*; that the money required for carrying it on had been raised by loans, or privy seals, or the sale of Crown property, or forfeitures and confiscations, or monopoly licenses, or benevolences, or such other means to which the consent of Parliament was not necessary (for so Government could be, and often was, carried on in those days for many years together); and *not* by authority of Parliament.

Now it so happens that the peculiar distinction of Queen Elizabeth's reign, especially during the "several years" of which Lord Campbell speaks, was the frequent calling of Parliaments, and the number of subsidies granted by those Parliaments to the Crown; and this is a subject upon which even those who rate Lord Campbell's authority in other matters no higher than it is worth might expect him to know something. It is indeed easy to understand how he fell into the error at first. He knew that in the beginning of 1593 there had been no Parliament called for the last four years, and not having cared to inquire how much the last Parliament had voted, or for how many years to come they had made provision for the wants of Government before-

hand, he hastily inferred that during those four years the Crown could have had no help from Parliament at all. The oversight was not (for Lord Campbell) a very extraordinary one. The error into which it betrayed him was indeed considerable; because it would lead any one who adopted it to a conclusion precisely opposite to the truth in a matter of some importance, and because, lying in a department so near to Lord Campbell's own proper province, it tends to damage his authority. But it was an error of carelessness only, and there was at least the shadow of a recorded fact to countenance and account for it. But this excuse can be urged only in behalf of the former editions. The case is now quite changed. What he did not know then, he does know now. What was before an error of ignorance and pardonable, is now a deliberate and unpardonable offence. He now knows that between 1585 and 1592 the Government had been empowered by three separate acts of three several Parliaments to levy half a subsidy every year; yet he persists in stating that when a new Parliament met on the 19th of February, 1593, the Government had been "carried on for several years by prerogative alone."

XI.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 295).

That in February 1593,
Bacon "made his maiden
speech;" that "it was on

FACTS WHICH WE FIND IN THE
BOOKS.

In Dewes's journals, we
find that Bacon had sate in
the three preceding Parlia-

Law Reform;" that he exhibited therein "an unsuspected faculty;" that "the applause he received gave a new stimulus to his ambition;" that "there was infused in him *at this juncture* a taste for public life;" and that "he entered on a new career."

ments; had been an active member in the last two of them, and spoken in both; that this speech, though it began with some remarks on Law Reform, was in favour of a motion for a Committee *to consider of the dangers of the realm and of a speedy supply* (see p. 437); and that of the man-

ner in which the speech was received nothing is known beyond what may be inferred from the fact that the motion (which was the Government motion) was agreed to without a division.

And from Bacon's own correspondence, far from learning that the issue of the proceeding stimulated him to *enter* the career (on which he had in fact entered eight years before), we are more inclined to infer that it had nearly induced him to abandon that career altogether. (See especially a fragment of a letter to Essex, dated April, 1593, vi. p. 2.)

REMARKS.

I observe that Lord Campbell, though so unwilling to correct mistakes which are his own only, is always ready to correct those which have arisen from his own misunderstanding of Mr. Montagu. Show him that he has misquoted a sentence, or misplaced a date, or made a statement which is irreconcilable with indisputable evidence, and he will not change a letter. Show him that he has mistaken Mr. Montagu's mean-

ing, or stated a fact too broadly on Mr. Montagu's authority, and he rectifies it immediately.

Here Mr. Montagu, after saying that Bacon sate in this Parliament as one of the knights for Middlesex, adds, "On the 25th of February, 1592, he, *in his first speech*, earnestly recommended the improvement of the law," etc. Lord Campbell, not knowing that Bacon had been in Parliament before, concluded that "his first speech" was his "maiden" speech, and called it so. Being informed that Bacon had sate in three Parliaments before, and spoken in two of them, and observing that Mr. Montagu *may* have meant only that the speech of the 25th of February was his first speech *in that Parliament*, consents to abandon his "maiden," and instead of "*he made his maiden speech, and I rejoice to find that it was on Law Reform,*" now only says (p. 20), "*he made a speech on Law Reform.*" Yet, oddly enough, he still seems to think that it *was* Bacon's maiden speech, for he still talks (p. 22) of "the success of his *first effort*," meaning apparently his first effort in Parliamentary speaking; for so much the context seems to imply.

The rest of the passage remains as it was, only that the phrase "enters on a new career," which appeared only in the margin of the original edition, does not appear in the new volume. A speech in favour of a motion for a committee "to consider of the dangers of the realm, and of a speedy supply," is still represented as a speech on Law Reform. In spite of the trials he had made of it in former Parliaments,

Bacon's power of speaking is still represented as a faculty which till now had been unsuspected. The applause which he received (known to Lord Campbell through those inestimable private records to which he has exclusive access, for it is not known to either of his other authorities) is still represented as the stimulus which gave him, "at this juncture," a taste for public life.

XII.

STATEMENTS WHICH WE FIND IN
LORD CAMPBELL (p. 296-7).

That being "intoxicated with the success of his first effort," Bacon shortly after "delivered a flaming oration against the Court;" and "concluded with a motion for 'a Committee to deliberate and consult in what proportion they might now relieve Her Majesty with subsidies, in respect of those many and great enemies,'" etc.; and that this motion "was carried."

FACTS WHICH WE FIND IN THE
BOOKS.

In Dewes's journals we find, p. 491, that the motion for this Committee was made not by Bacon, but by Sir Thomas Heneage, Vice-Chamberlain; that Bacon's speech was made *after* the appointment of that Committee, he being a member of it; that the subject in debate was "how the subsidy could be levied in shorter time than heretofore;" that the effect of the amendment with which he

concluded (for the terms are not recorded) was to allow a longer time for the collection of the three subsidies (which they all, Bacon included, meant to vote) than the Government party proposed (p. 493); and that the amendment was *lost*—the original motion being carried without a division (p. 494).

REMARKS.

Here it is to be admitted, and indeed proclaimed with gratitude, that Lord Campbell by consenting to strike out a sentence of five lines (p. 23) has really removed five distinct blunders—all his own. The statement with regard to the concluding motion and the fate of it—not being supported by either of the authorities in which he trusts, nor derived from those exclusive private records, but consisting merely in an extract carelessly made from the journals—he seems to have thought a matter of little consequence, and so let it go. All that relates to the conclusion of the speech is omitted in the new volume. It would have been better indeed if, instead of omitting, he had corrected it, and told us what the speech *was* about, and how it *did* conclude. But though an error rectified is better than an error omitted, an error omitted is considerably better than an error retained, and we must be thankful for what we can get.

XIII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 296).

That Bacon's speech (quoted from 'Dewes's Journal, 1593,' and distinguished as a quotation by inverted commas), began thus: "*To the subsidy demanded* he propounded three questions," etc., and ended

FACTS WHICH WE FIND IN THE
BOOKS.

In Dewes's Journal of the Session, 1592, 1593, p. 493, we read, "Mr. Fras. Bacon *assented to three subsidies, but not to the payments under six years. And to this* he propounded three questions," etc. And again,

thus: "*This being granted*, near the end, "*This being*
other princes hereafter will granted *in this sort*, other
look for the like," etc. princes hereafter will look
for the like," etc.

REMARKS.

Here again the question at issue is of great importance; it is decided against Lord Campbell by the simple evidence of the eyes; and yet he does not change a letter. The words of the speech, as he persists in misquoting them (p. 22), imply that Bacon *opposed* the motion for *granting a subsidy*, which is distinctly false. If he will turn again to his Dewes, he will find that Bacon *approved* of the proposed grant (as far as the amount went) and spoke in favour of it from the first. What he objected to was "the payments under six years," that is, the proposal of the Government to levy the whole of the three subsidies within the space of three (or, as it was afterwards modified, of four) years; the invariable custom having been to allow two years for the levying of each subsidy. The taxation to which the people were used was *one* subsidy upon each calling of Parliament, payable in two years. The last Parliament had voted *two* subsidies, payable in four years, and it was the first time that any Parliament had voted more than one. The present Parliament was asked to vote three, and to make the two first of them payable in two years, thus calling upon the people to pay during those two years twice as much as they had ever paid before. It was this latter part of the proposal to

which Bacon objected. "In putting two payments into one" (he said, though Lord Campbell suppresses this sentence also) "we make a double subsidy, for it maketh four shillings in the pound—a double payment." It is quite plain therefore that Lord Campbell's manner of quoting the words totally misrepresents their meaning; and it may seem strange that, having consented to omit all that relates to the conclusion of the speech, he did not at the same time think it worth while to restore the speech itself to its integrity. He cannot have thought the omitted words insignificant; they are not omitted by Mr. Montagu; and now that the previous sentence is struck out there is nothing left in the story (so far) which they contradict; and yet he has not replaced them.

I am afraid the reason of this may be discovered in the next page; and it will be explained more conveniently in connexion with the next article. But whatever the reason may have been, the fact must remain. He has deliberately repeated a pretended quotation, in which the meaning of the passage which he quotes is misrepresented in a very material point. Now Lord Campbell should know that there is no vice in a book which is so easily exposed, so readily understood, and so deeply resented, as that of garbled quotations. How such things are looked upon in the courts I cannot say; but we railway readers, who cannot carry about with us the books out of which extracts are made, expect that words which profess by inverted commas to be quoted from a book are *the*

words which that book contains. Omissions and substitutions are snares against which we cannot guard ourselves; and any liberties of that kind are very unpopular.

XIV.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 297).

That the Queen's displeasure being intimated to Bacon, "his answers show that he was struck with repentance and remorse, and that in the hope of obtaining pardon he plainly intimated that he should never repeat the offence;" and that "in his letter to Burghley he tries to explain away what he had said."

FACTS WHICH WE FIND IN THE
BOOKS.

In the letters themselves, to which Lord Campbell refers, we read (v. p. 213) that "he was sorry to find that his last speech in Parliament, delivered in discharge of his conscience and duty to God, Her Majesty, and his country, was offensive;" that "if it were misreported he would be glad to attend his lordship to disavow anything he said not; if it were

misconstrued he would be glad to expound himself to exclude any sense he meant not;" that "if his heart were misjudged by imputation of popularity or opposition by any envious or officious informer, he had great wrong; and the greater because the manner of his speech did most evidently show that he spake simply and only to satisfy his conscience, and not with any advantage or policy to sway the cause; and his terms carried all signification of duty and zeal towards Her Majesty and her service;"—that "it was true that from the beginning whatsoever was above a double subsidy he did wish might for precedent's sake appear to be extraordinary, and for

discontent's sake might not have been levied upon the poorer sort; though otherwise he wished it as rising as he thought it would prove, and more;"—that "this was his mind; he confessed it; and *therefore* he most humbly prayed his lordship first to continue him in his own good opinion, and then to perform the part of an honourable friend towards his poor servant and alliance, in drawing Her Majesty to accept of the sincerity and simplicity of his heart, *and to bear with the rest*, and to restore him to her good favour."

In the other letter to which Lord Campbell alludes (vi. p. 3) we read that "it was a great grief unto him, *joined with marvel*, that Her Majesty should retain an hard conceit of his speeches in Parliament,"—that "it might please her to think what should be his end in those speeches, if it were not duty and duty alone,"—that "he was not so simple but he knew the common beaten way to please,"—that "her grace and particular favour towards him had been such that he esteemed no worldly thing above the comfort to enjoy it, except it were the conscience to deserve it;" but that "if the not seconding some particular person's opinion should be presumption, and to differ upon the manner should be to impeach the end, it should teach his devotion not to exceed wishes, and those in silence." And then follows the sentence which Lord Campbell quotes in his note, saying that "he must be supposed to have been sobbing" when he wrote it.

In another letter, to which Lord Campbell does not refer, written more than two years after (v. 209), we find him reminding Burghley "that he had been the first of the ordinary sort of the Lower House that spoke for the subsidy, and that that which he after spoke in difference

was but in circumstance of time and manner ; which he thought should be no great matter, since there is variety allowed in counsel, as a discord in music, to make it more perfect."

And this is all we can find.

REMARKS.

We may now, I fear, see why Lord Campbell chose to retain his quotation from Bacon's speech in its garbled state. He was going to represent Bacon as trying "to explain away what he had said" (for having Mr. Macaulay's authority to plead in defence of the statements in this paragraph, of course he could not think of altering them ; and they are accordingly reproduced (p. 23) exactly as they were) ; and *if* Bacon had really said what Lord Campbell has made him say, the charge would have been borne out by the evidence ; for he certainly represented himself to Burghley as having meant something which the words quoted by Lord Campbell do not and could not mean ; as having meant, in fact, what the words given by Dewes do and must mean.

If this was really the motive upon which the false quotation was retained—and I can suggest no other—I suppose everybody will agree that it is a great aggravation of the offence. But setting motives aside, I would simply call the reader's attention to these parallel columns, and ask him whether the misrepresentation of the meaning, spirit, and effect of Bacon's letters on this subject is not on the face of it gross and inexcusable, and whether he will ever again accept an

account of anything upon Lord Campbell's authority. What single expression can he find indicating "repentance and remorse"? Bacon is "sorry" indeed; but what for? Not because he had made the speech, but because the speech which he made had offended the Queen. Where does he intimate that "he will never repeat the offence"? He only intimates that if he may not speak freely in her behalf according to his conscience, he must hereafter hold his tongue. Where does he try to "explain away what he had said"? He only offers to disavow what he did not say, and to explain what he meant to say; in the meantime repeating what he did say. His whole tone is that of respectful justification; and it is a remarkable fact that though the Queen's displeasure on account of this very speech lasted above two years, and was alleged by herself as the obstacle to his promotion, he never could be brought to say that he had been wrong in acting as he did, or that he would not in the same circumstances take the same course again.

I dwell the longer upon this, because it is a good instance to show how important an error may really be in its ultimate consequences, which when looked at by itself seems of no importance at all. Many a reader, I daresay, has exclaimed, "What matters it whether it were against the subsidies, or against the time of payment, that Bacon spoke? He spoke against the proposition of the Government, and that is the only point of importance." I beg his pardon: the difference matters much. If Bacon had opposed the sub-

sidies, his object must have been simply to embarrass the Government; if he only objected to the proposed times of payment, he may have meant only to save the Government from embarrassing itself. And it is upon the confusion of these two things, I will venture to say, that this whole foolish superstructure has been in fact raised. Some hasty reader met with Bacon's speech, probably in an extract; found that he had been opposing the Government on a money bill; did not think of asking when or why or how; but (his imagination flying immediately to times when unpopular Governments were reduced to order by the stoppage of supplies) concluded that in some uncontrollable fit of patriotism, happily coincident with an alarm of invasion from Scotland and Spain at once, he had taken that course for crippling and embarrassing the Government. Seeing again a letter from the same Bacon to Burghley, declaring that he did it out of duty and zeal for the Queen's service and not in a spirit of opposition or popularity, he concluded that he was telling a lie, and basely apologizing for his fit of virtue when he found (what we are to suppose he did not expect) that the Government disliked it.

Now if this hasty reader, whoever he was, knew anything about either Bacon or Elizabeth, a minute's reflexion must have reminded him that Bacon could not possibly have had any object, patriotic or personal, in resisting the grant of subsidies at such a time; and if he had taken a very little trouble to inquire, he would have found that he did *not* resist it; that, on the con-

trary, he was the first man in the House, not being of the Council, who spoke in favour of the motion for a Committee of Supply; that he concurred with that Committee in recommending a grant of two subsidies (the largest supply that had ever been voted by one Parliament); that upon a further representation of the dangers and necessities of the time he agreed to a grant of three, and only objected to its being levied in a manner which he thought likely to breed discontent and danger; that there are no traces therefore to be found of any desire on his part to obstruct the Government by stopping the supplies, or of any proceeding with which the professions contained in the letter to Burghley are not perfectly consistent.

XV.

STATEMENTS WHICH WE FIND IN
LORD CAMPBELL (p. 298, note).

That a conversation between Essex and Robert Cecil (in which Essex urged Bacon's claims to the office of Attorney-General), "cannot be accurately reported; as the office of Attorney-General at this time was not vacant for a single day—Egerton having been appointed Master of the Rolls, and Coke appointed to succeed him on the 10th of April, 1594."

FACTS WHICH WE FIND IN THE
BOOKS.

In Birch's memorials, and indeed all through the correspondence of the year 1593, we find abundant proof that for a whole twelvemonth preceding the appointment of Coke, the question who should be made Attorney-General was in agitation: for though Egerton was still Attorney, the *Mastership of the Rolls* was vacant all that time: and it being determined (it

seems) that he should be promoted to that office, the question was, who should succeed *him*.

But surely Lord Campbell would not have us set down every narrative as inaccurate which represents two politicians as quarrelling about the succession to an office before the office is actually vacant.

REMARKS.

This is a matter upon which the reader can judge for himself. Lord Campbell abides by his former opinion, being still persuaded (p. 24, note) that until the office was actually vacant no conversation could have passed between Cecil and Essex concerning the succession to it. And it must be admitted that his personal experience in such transactions entitles him to speak to the point with more authority than most people. But we must remember that his own experiences are modern, and that many things could happen at the end of the sixteenth century which are not to be supposed possible in the nineteenth.

XVI.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 299).

That when the Solicitor-Generalship became vacant by the promotion of Coke, 10 April, 1594, Bacon had the strongest claim to succeed: that he "considered it the crisis of his fate," and "resorting to means of gain-

FACTS WHICH WE FIND IN THE
BOOKS.

In Bacon's works (v. p. 220) we find that what is here quoted as "the letter to Burghley soliciting the appointment" is the concluding sentence of a long letter, dated 7th June, 1595; that the letter here quoted

ing his object which would be spurned at by a modern candidate for the office," wrote a letter to Burghley, soliciting the appointment (which letter is quoted); that he received *an answer* from Burghley, which "under the disguise of bluntness was artful and treacherous"—(which answer is also quoted);—that Bacon "*again* to no purpose addressed him, saying," etc.

REMARKS.

In this case, at any rate, it cannot be Lord Campbell's experience that has misled him. It must be some peculiarity in his mental construction, of which we shall meet with other evidences still more remarkable. I find no alteration whatever in this passage (p. 26), except that the expression "soliciting the appointment," being confined to the margin of the former edition, is not to be found in the new volume. He is still of opinion, therefore, that a letter dated September, 1593, was written in answer to a letter dated June, 1595, and that part of the same letter of June, 1595, was written by way of rejoinder to the same letter of September, 1593.

XVII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 304).

That upon the appointment of Fleming as Solici-

FACTS WHICH WE FIND IN THE
BOOKS.

Looking in Bacon's works for the letters, which for

tor, 6th of November, 1595, Bacon "was at first wholly overpowered; and then he resolved for ever to retire from public life, and travel in foreign countries—a step which he defended" in a letter to Sir Robert Cecil (A); that "he next softened his purpose to exile for the rest of his days in the University of Cambridge," and wrote a letter to that effect to Essex (B); that he then "indulged in a short retreat to Essex's villa, Twickenham Park;" that "while there" he wrote two letters, one to the Lord Keeper (C), and another to Burghley (D); that "he soon returned to business and ambition," and himself wrote a letter to the Queen (E), "apologizing for his late arrest from her service, expressing his contentment to earn such vail as it pleased her Majesty to give him, and acknowledging a providence of God towards him," etc.: that "his sub-

convenience of reference we have marked A, B, C, D, and E; and from each of which Lord Campbell gives a quotation, we find that A is dated January 1594–5 (vi. p. 21); that B is dated 30th March, 1594 (vi. p. 11); that C is dated 20th May, 1595 (v. p. 218); that D is dated 7 June, 1595 (v. p. 219), and is moreover the *same letter* which Lord Campbell has already quoted as the one in which Bacon "*solicits the appointment*" in question; and that E—(which is the letter of final submission) is dated 20 July, 1594 (vi. p. 16).

We find also that this letter of submission, which gave such satisfaction to the Queen, that "she *tried* to make a vacancy for Bacon in the office of Solicitor-General" (p. 306, margin), was written *while* the Solicitorship was vacant, and sixteen months before it was filled up;—that the apology which it contained

mission gave great satisfaction to the Queen;" that "an attempt was made to bring about a vacancy in the office of Solicitor-General for him: but Fleming could not be conveniently got rid of;" and that "there was no other move among the law-officers of the Crown during the remainder of this reign."

"for his late *arrest* from her service," was not, as Lord Campbell supposes, an apology for having withdrawn himself from her service in discontent, but for an "*arrest by the Divine Majesty* from her Majesty's service," that is, for having been disabled by a sudden illness from executing a service with which the Queen had at that time

trusted him, on the business of which he was actually going, which was the '*vail*' which she had been pleased to give him, and which (to use his own words, instead of Lord Campbell's version of them) "*nothing under mere impossibility could have detained him from earning.*" We find also that Fleming had not at that time received any promise of the Solicitorship, which could have made it difficult to get rid of him: and that after his appointment in the following year there did occur, if not a "move," at least a very convenient opportunity for a move "among the law-officers of the Crown:" inasmuch as the Lord Keeper died in April, 1596, and was succeeded by the Master of the Rolls, by whom both the offices were held during the remainder of the reign.

REMARKS.

Here we have a more remarkable evidence of the mental peculiarity noticed in the last article. For here again (p. 33) I find no alteration of any kind. One would almost think that Lord Campbell had de-

voted a part of his industrious leisure to metaphysics, and learning that Time is only a form of thought and Before and After mere phantoms of the mind, had concluded that he might leave that element out of consideration. Or it may be that writing now for railway readers, for whom, as we all know, Time has long been annihilated, he thought it could make no difference. For certain it is that all evidence founded upon incompatibility of dates is thrown away upon him, and the plainest proof that an act was done in 1594 fails to convince him that it was not the effect or consequence of an event which happened in 1595.

It is possible however that the symbolic letters which the 'Examiner' has used for shortness, have puzzled him, and that he has not understood the point of the argument. I will try to explain it without them.

Fleming was appointed solicitor, he tells us, on the 6th of November, 1595. What followed? *First*, Bacon was overpowered by the blow. So far well. *Then*, to wit in the *preceding* January, having resolved to leave England, he wrote a letter to Cecil. *Next*, to wit on the 30th March, 1594, having changed his mind, he wrote a letter to Essex. *Then*, during a short retreat to Twickenham, he wrote two more letters, one on the 20th of May, the other on the 6th of June, 1595. *Last of all*, to wit on the 20th of July, 1594, he wrote a letter to the Queen herself. This is unquestionably the substance of Lord Campbell's statement. The 'Examiner's' objection to it is that these things, having every one of them happened

before the appointment of Fleming, cannot possibly have *followed* it, and if so, cannot have been the *consequences or effects* of it. Other things resembling these may have followed; but *these* things cannot have followed.

It may be thought indeed that he had not looked at the dates of these letters when he put them together in this way: and I daresay he had not done so when he prepared his first, second, and third edition. But before he prepared this volume, he had been made to look, and told why.

As for the other half-dozen blunders accumulated in this extraordinary passage,—to attempt a more particular exposition of them would be a useless task.

That “an arrest by the Divine Majesty from her Majesty’s service” in July, 1594, could not mean a voluntary secession from her service in November, 1595; that in assuring the Queen, in July, 1594, that “nothing under mere impossibility could have detained him from earning so gracious a vail as it pleased her Majesty to give him,” Bacon was not “expressing his contentment” in or after November, 1595, “to earn such vail,”—*i. e.* a willingness to accept then a service which he had been disposed to decline before; that an attempt could not be made to *bring about* a vacancy in an office already vacant; that the death of a Lord-Keeper did afford an opportunity for “a move among the Law-Officers of the Crown;” etc.—all these things are obvious enough, yet not so obvious as the impossibility of supposing that a letter was

written a year ago, in consequence of an event which happened a week ago. And till Lord Campbell understands the last, it is vain to urge the others; the more so because in them he has Mr. Montagu's authority to plead against all such considerations. For Mr. Montagu has really made several of these blunders, and from the confused manner in which he tells the story he may seem to a careless reader to have made more than he really has.

XVIII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 308).

That in the Parliament of 1597, upon the motion for a supply, "Mr. Francis Bacon rose, not to say anything of gentlemen selling their silver plate, and yeomen their brass pots, but 'to make it appear by demonstration *what opinion soever be pretended by others* [upon which words, thus distinguished in italics by Lord Campbell, not by us, we are told in a note "*Thus he already has learned to sneer at the liberal party,*"] that in point of payments to the Crown never subjects were partakers of

FACTS WHICH WE FIND IN THE
BOOKS.

In the Parliamentary History, i. 905 (to which Lord Campbell refers us), we find the speech quoted at length from Bacon's own report of it (iii. 234), but the passage in question runs thus: "Neither will I now at this time put the case of this realm of England too precisely, how it standeth with the subject in point of payments to the Crown; though I could make it appear by demonstration (*what opinion soever be conceived*) that never subjects were partakers of greater freedom and ease;

greater freedom and ease. Whether you look abroad into other countries, or look back unto former times in this our own country, we shall find an exceeding difference in matter of taxes.

We are not upon excessive and exorbitant donations, nor upon sumptuous and unnecessary triumphs," etc.

being not upon excessive and exorbitant donatives, nor upon sumptuous and unnecessary triumphs," etc.

and that whether you look abroad into other countries at the present time, or look back to former times in this our own country, we shall find an exceeding difference in matter of taxes:

which now I reserve to mention . . . neither will I make any observation upon her Majesty's manner of expending and issuing trea-

REMARKS.

In this again (p. 39) Lord Campbell has made no alteration. He has not even thought it worth while to make sense of the last sentence by inserting the words with which it begins, and which were probably omitted by accident. He could hardly be expected perhaps to correct the other; for so he would have sacrificed the point of his note, which was peculiarly his own, and no doubt a favourite. I must again however remind him that this is what we railway-readers call garbling; and though we are charitable enough to believe that it was due originally to nothing worse than a slip of the pen and scissors, yet if mistakes of this kind are not corrected on the first opportunity which occurs after they have been pointed out, we are compelled to attribute them to a slip of another kind.

XIX.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 311).

That after Lady Hatton's marriage with Sir Edward Coke, "Nov. 1598," when Bacon, at the suit of one Sympson (to whom, upon an action for £300, which he had borrowed upon bond, having no defence, he had "given a *cognovit* with a stay of execution"),—was arrested by a "b— bailiff" (so Lord Campbell prints it between inverted commas, as if it were a quotation from Bacon's letter)—"*the time of forbearance had expired.*"

And we are referred for authority to "letters to the Lord Keeper and Sir R. Cecil, Oct. 1598. Works, vi. 42."

it *must have been* a full fortnight before; and therefore the time of forbearance *not* expired.

FACTS WHICH WE FIND IN THE
BOOKS.

In the letters to which we are referred (Works, vi. 42) we find it expressly stated by Bacon that "having at the last term confessed the action," he had "by Sympson's full and direct consent respited the satisfaction *till the beginning of the term to come.*" We find also that the *date* of these letters is not *October*, as Lord Campbell gives it, but 24th of *September*; a very important difference; for an event which happened in *October* *might have been* after the beginning of the term, though hardly after the beginning of "this term *to come*;" whereas happening on the 24th of *September*,

REMARKS.

Again, no alteration! Except that the date "Nov. 1598," being marginal, has disappeared. But that makes no difference. The letter to Cecil still bears

the false date "October;" the time of forbearance is still stated to have expired (see p. 42). I must leave the reader to fit this case with its proper name, and to make his own reflexions thereupon.

XX.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 313).

That "this year" [but whether 1598 or 1601 is doubtful] Bacon "delivered his celebrated argument in the Exchequer Chamber in Chudleigh's case," or "The case of Perpetuities." And we are referred, in a note, to "1 Rep. 120 a."

FACTS WHICH WE FIND IN THE
BOOKS.

Referring accordingly to Coke's Reports, 1, 120 a, we find that the case was argued by Bacon in *Easter Term*, 36 *Eliz.*, that is in 1594; and that it was afterwards argued openly by all the Judges in the Exchequer and settled. This being "a very important

crisis," according to Lord Campbell, "in the Law of Real Property in England," we should have thought that here at least his authority might have been relied upon for the date of its settlement. But we find that it is not safe to follow him even in his own special domain.

REMARKS.

The mistake in this instance came from Mr. Montagu, who says that the argument was delivered in 1599, and gives the reference to Coke's Report, though with a wrong page. Lord Campbell's reference is correct; from which it seems that he had looked at the book, but without detecting the blunder. This is a point however on which he appears to be more sensi-

tive; for here he has thought it advisable to make some alteration. Where Coke is against him, he seems to think that Mr. Montagu may have been partly mistaken. I say *partly*, for instead of rectifying the wrong date, he only substitutes (p. 46) "*published*" for "*delivered*." And it is singular that he should have said no more about it; for that this argument was ever published is, I believe, a discovery of his own, and entirely new.

His further acquaintance with it seems in one respect to have modified his opinion of its merits; for in former editions he had stated that it was "equal to that of Blackstone in *Perrin v. Blake*," which opinion he has silently withdrawn from the new volume.

XXI.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 331).

That in the Parliament of 1601, Bacon "took a most discreditable part" in "supporting monopolies;" that "a declaratory bill having been brought in by Mr. Laurence Hide to put down the grievance," it was "opposed by Bacon" in a speech from which two sentences are quoted; the argument of which is that to attempt to take away the Queen's Prerogative by "a

FACTS WHICH WE FIND IN THE
BOOKS.

Looking in Dewes (p. 648), for the speech and context, we find that Lord Campbell has omitted the concluding sentence, which runs thus:—"Therefore I think the Bill very unfit, *and our proceeding to be by petition*;" which shows that he was not speaking in support of monopolies, but only in favour of proceeding *against* them by petition, rather than by a bill.

bill which is only *expository*, to expound the Common Law," is both "injurious and ridiculous."

We find also, looking to the end of the next column for the issue of the debate, that a motion having been made

for the appointment of a

Committee to draw up a petition to the Queen for "leave to make an Act that they (the monopolies) might be of no more force, validity, or effect, than they are at Common Law, without the strength of her prerogative;" and that "every member of the house who found himself, his town or country grieved" should be invited to "put in in fair writing such exceptions against monopolies as he would justify to be true" in the Committee; and that "the Speaker should deliver them with his own hands;"—this motion was supported by Bacon in a long speech, as "the readiest course that could possibly be devised;" and "so the house, it should seem, agreed thereunto."

REMARKS.

In this case Lord Campbell has paid his critic the extraordinary compliment of adding a whole sentence; with the intention however of justifying his error rather than correcting it. But he is much less fortunate in his insertions than in his omissions. He cannot easily strike a sentence out without reducing the number of his misstatements; in putting a new sentence in he runs the risk of increasing it. In former editions, after quoting the two sentences of Bacon's speech, and another by Cecil in deprecation of interference by bill with the prerogative, he proceeded thus:—"The House nevertheless showed such a de-

terminated spirit that the Queen was compelled to yield," etc. And this was true. In the new volume (p. 70) he introduces the last sentence as follows:—"Bacon made an evasive attempt to support the abuse of monopolies, by pretending that the proper course was humbly to petition the Queen that she would abstain from granting monopolies, instead of legislating against them; but the House showed such a determined spirit," etc. How far the course which Bacon recommended is truly described as that of petitioning the Queen to *abstain from granting monopolies* (the proposed prayer of the petition being that she would leave them to the course of the Common Law), or the motion which he supported as "an evasive attempt to *support the abuse of monopolies*" (being a motion for a committee to receive complaints against them from all members who had complaints to make, and to append those complaints to the petition which was to be delivered by the Speaker to the Queen), the reader can judge for himself. The new error which the new sentence introduces is not so obvious, but it is this. As the story now runs, any one would suppose that Bacon's object had been *defeated* by the determination of the House; whereas the motion he supported was agreed to: and if Lord Campbell had read a page or two further, he would have found that the House was in fact thrown into an ecstasy of gratitude by nothing more than a promise from the Queen to do the very thing for which alone it was proposed to petition.

XXII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 339).

FACTS WHICH WE FIND IN THE
BOOKS.

That *on the meeting of Parliament in November, 1605*, Bacon "once more brought forward *his project for improving the law* by abolishing 'Wardship' and the other grievances of 'Tenure in chivalry.'"

In Bacon's works (iii. 359), compared with the Commons' Journals, pp. 406-8, we find that *on the 8th of March, 1609-10*, he was commissioned by the House to carry up a message to the Lords "moving them to join with the Com-

mons in petition to the King to obtain liberty to treat of a composition with His Majesty for Wards and Tenures."

By such a composition the law would no doubt have been improved; but to call it the bringing forward *once more* of *Bacon's project* for improving the law, suggests a very false notion of the nature of both.

REMARKS.

Here, instead of "*once more* brought forward *his project*," we now (p. 81) read, "*again* brought forward *a project*," which does certainly bring the statement a degree nearer to the fact. The difference between March, 1610, and November, 1605, being a difference of time merely, Lord Campbell of course takes no notice of it, owing to the mental peculiarity above mentioned.

XXIII.

STATEMENTS WHICH WE FIND IN
LORD CAMPBELL (p. 340-4).

FACTS WHICH WE FIND IN THE
BOOKS.

That on the promotion

Referring to Haydn's

of Coke to the Common Pleas, and the appointment of Hobart as Attorney-General, Bacon "expressed such deep resentment that an expedient was proposed to create a vacancy by *making Fleming (the Solicitor-General) a King's Serjeant*, with promise of further promotion;" that "Fleming (A.D. 1607) *absolutely refused to resign the Solicitorship*, and there was a great disinclination to force him out after his useful, though not brilliant, services to the Crown in this and the preceding reign;" that "all parties were joyfully relieved from this embarrassment by *the opportune death of Sir Lawrence Tanfield*, Chief Justice of the King's Bench," who was "immediately" (25th June, 1607), succeeded by Fleming.

book of dignities, we find that Fleming had been Chief Baron of the Exchequer since 1604; that on the 25th of June, 1607, Sir Lawrence Tanfield, then *puisne* Judge of the King's Bench, was made Chief Baron; and that Fleming, then Chief Baron, was made Chief Justice of the King's Bench, vacant by the death of *Popham*.

It may be said that this is a trifling oversight, and may be completely rectified by putting Popham for Tanfield in the last part, and whoever was Solicitor-General in 1607 for Fleming in the first. But this is not so. For Dodderidge, who *was* Solicitor-General, though he may possibly have refused to resign *at first*—and we must not suspect Lord Campbell of *pure* invention in so positive a

statement—can hardly be said to have refused "absolutely," inasmuch as he *did* resign the Solicitorship in June, 1607, not to be promoted to the King's Bench, but to be made King's Serjeant, as proposed. We pre-

sume that Lord Campbell derived his information with regard to Bacon's "deep resentment" from the same source which informed him of Fleming's "absolute refusal*."

REMARKS.

The mistakes in this case were of no great importance in themselves, except as evidences of exceeding carelessness. But they were important in connexion with the statements (derived from Lord Campbell's private and exclusive sources of information) which lie so close beside them. They suggested a doubt whether, when he did not even know the names of the people he was writing about, his information as to their words and feelings could be entirely relied upon. Whether it was an apprehension of this that moved him, or whether it be that the difference between one *person* and another is more real in his eyes than the difference between one *time* and another, I cannot say. But in this case he has for some reason condescended to accept the 'Examiner's' suggestions. The name of the Solicitor-General is now (p. 85) omitted: so is the whole passage concerning Fleming's "absolute refusal," in place of which he now only informs

* In studying the relation between these statements and facts, we have often been reminded of a scene represented in our friend 'Punch.' "Mr. Conductor," a very mild old gentleman was saying through the back window of an omnibus, "I should be greatly obliged to you if you would proceed. I have a very important engagement in the City, and I fear I shall be too late." "Go along, Bill," shouts the conductor to the driver; "here's a old cove inside a cussin' and a swearin' like anythink."

us that "*great difficulties were experienced from Mr. Solicitor's unwillingness to resign*" (which is likely enough): the name "*Popham*" is substituted for the name "*Sir Lawrence Tanfield*," and instead of being told that "*Fleming was immediately appointed his successor*," we now only learn that "*in consequence of the legal promotions which then took place*" Bacon became solicitor.

If Lord Campbell had but remembered to strike out the "deep resentment" along with the rest, this one statement would have been really correct.

XXIV.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 344).

FACTS WHICH WE FIND IN THE
BOOKS.

That Bacon "showed his gratitude (for being made Solicitor-General in June, 1607,) on the meeting of Parliament, by a most elaborate speech in favour of the Union," etc.

In the Commons' Journals (p. 336), we find that the speech in question was made on the 17th of February, 1606-7; four months before his appointment.

REMARKS.

Here Lord Campbell shows at last some perception of the difference between Before and After. He has actually altered a tense from the imperfect to the preter-pluperfect. Instead of "*The new Solicitor showed his gratitude on the meeting of Parliament by making a most elaborate speech in favour of the Union. . . . He now strongly pressed that, as a preliminary step, Parliament would at any rate naturalize their north-*

ern fellow-subjects:" we now read (p. 89), "the new Solicitor, *who had made* a most elaborate speech in favour of the Union *with Scotland*. . . . now strongly pressed," etc. This change can only have been induced by a recognition of the truth that a speech could not have been made in February out of gratitude for a favour conferred in the following June; and is so far satisfactory. In other respects it is less promising; and does in fact introduce a new error without getting rid of the old one. According to the new reading, the speech in favour of the union *had been made*,—*i. e.* at a former meeting of Parliament,—and the speech in favour of naturalization was made *now*,—*i. e.* at the meeting next after Bacon's appointment as Solicitor. But if Lord Campbell will look again, he will find that the "elaborate speech in favour of the union" *is* the speech in favour of naturalization; and therefore to put one in the past and the other in the present or future must be wrong. If he wishes to set the matter really right, let him change *now* into *and*, and omit *who*; which, as he has already given up the insinuation about 'gratitude,' he can do without any further sacrifice.

XXV.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 350).

That in the Parliament of 1614, the question whether Bacon being Attorney-General could sit in the

FACTS WHICH WE FIND IN THE
BOOKS.

In Brown Willis's *Notitia Parliamentaria* we find that the Christian name of the Mr. Duncombe, who

House of Commons, was raised by "*a Mr. T. Duncombe, famous for adventurous motions, but rather a popular character.*" raised this question, was *Edward*; and that he was member for *Tavistock*; and not the member for *Finsbury*, for whom Lord Campbell appears to have mistaken him.

Perhaps we ought to let this pass as a joke: yet we hardly know; for in Lord Campbell's *Life of Lord King* (iv. p. 643), we find him speaking of "the celebrated Jeremy Bentham," as having been "a young barrister" during the latter years of Lord King's Chancellorship, that is, before November 19, 1733; and in that case he is evidently not joking.

REMARKS.

I have already observed that Lord Campbell is much more fortunate when he simply omits, than when he alters or adds. This is a good instance in illustration: for here (p. 97) by merely substituting "*a Mr. Duncombe*" for the words in italics, he succeeds in correcting the statement completely. As the sentence stands in the new volume I am not aware that any exception can be taken to it.

XXVI.

STATEMENTS WHICH WE FIND IN
LORD CAMPBELL (p. 364, note).

That with reference to the great case *De rege in consulto*, Bacon wrote a letter to the King "giving an account of the manner in

FACTS WHICH WE FIND IN THE
BOOKS.

Turning to the letter itself (v. 366), we find the manner in which he had tried to "frighten the judges" (if that must be

which on this occasion *he had tried to frighten the judges.*" And the letter itself, or what seems meant to be taken for it, follows. "Sir,—I do perceive that I have not only stopped but almost turned the stream, and I see how things cool by this, that the judges, who were wont to call so hotly upon the business, *when they had heard, of themselves took a fortnight to advise what they will do.* Yet because the times are as they are," etc. (And this is the only part of the extract which relates to the manner in which Bacon had dealt with the judges.)

understood nothing could tell me that I lost not one auditor that was present in the beginning, but that he staid till the latter end. If I should say more, there were too many witnesses, for I never saw the Court more full, that might disprove me.

"My Lord Coke was pleased to say that it was a famous argument."

Then after mentioning some conversation which passed between him and Coke, he proceeds in the words quoted by Lord Campbell, down to "what they will do," and

the word) more particularly explained.

"For that of the *Rege inconsulto*, I argued the same in the King's Bench on Thursday last. There argued on the other side Mr. George Crook, the judge's brother, an able book-man, and one that was manned forth with all the furniture that the Bar could give him (I will not say the Bench), and with the study of a long vacation. I was to answer, which hath a mixture of the sudden. And of myself I will not nor I cannot say anything, but that my voice served me well for two hours and a half; and that those that

goes on (in words *not* quoted) "by which the term will be near at an end; *and I know they little expected to have the matter so beaten down with book-law, upon which my argument wholly went*: so that every mean student was satisfied."

REMARKS.

This being merely an unjust insinuation founded upon a garbled quotation, Lord Campbell sees no harm in it, and leaves it exactly as it was (p. 117, note). By "garbling," I mean, not the laudable practice of selecting for quotation those words only which bear upon the question in hand, but that of omitting words *with* which (as here and in No. XIII.) or introducing words *without* which (as in No. XVIII.) the passage quoted would have seemed to contradict, or at least not to support, the proposition in proof of which it is adduced.

XXVII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 384).

That Buckingham, in writing to Bacon in favour of parties who had causes before him, "*at first* used the qualification 'as far as may stand with justice or equity,' or 'so far as your Lordship may see him (*sic*) grounded upon equity or reason:' but he after-

FACTS WHICH WE FIND IN THE
BOOKS.

Turning to the collection of letters from which Lord Campbell derives this important fact, we find that of thirty letters addressed by Buckingham to Bacon in favour of parties who had suits before him,—and we can find no more,—there are—

| | | Without such | | With such | |
|--|---------|--------------|---|-----------|---|
| | | Clause. | | Clause. | |
| wards omitted these decent forms, and pretty plainly intimated that he was to dictate the decree." | In 1617 | ... | 3 | ... | 4 |
| | 1618 | ... | 6 | ... | 8 |
| | 1619 | ... | 1 | ... | 4 |
| | 1620 | ... | 0 | ... | 3 |
| | 1621 | ... | 1 | ... | 0 |

We find also that of the six cases in 1618 in which the qualifying clause is omitted, one contains *thanks* for the pains which Bacon had taken in hearing a cause which had gone *against* the party in whose favour Buckingham writes; another asks merely that the party may have a fortnight's freedom from restraint (under security to give himself up at the end of the time) that he may follow his business in person: and a third asks only for "a full arbitration and final end;"—that the one such letter in 1619 only asks that Bacon will *himself* examine into the case of a *foreigner*, who was perplexed by the shifting of his cause from court to court:—and that the one in 1621 asks only for "a full and fair hearing and speedy despatch."

As for any *dictation of decrees*, we find no hint of such a thing in any of them.

REMARKS.

In this case there is just room for a charitable hope that Lord Campbell did not understand the nature of the objection. For though by introducing three unnecessary changes (p. 144) he seems to show a desire to correct the error if he knew how, they none of them touch the point in question. Before "*qualification*" he inserts "*transparent*" (to which I have no objection, though it was sufficiently implied already);

before "*omitted*" he inserts "*often entirely*" (which is perhaps rather an improvement); and for "*intimated*" he substitutes "*hinted*" (which makes no difference). Now the mistake lay, and continues to lie, in the words *at first* and *afterwards*, as the 'Examiner' meant no doubt to indicate by printing *at first* in italics; and these are left as they were. The statement implied, and still implies, that Buckingham used the qualifying clause more frequently at first than afterwards, from which it would be fairly inferred that Bacon showed more subserviency afterwards than at first; that he was growing, as bad people generally do, worse with time; whereas the dates of the letters show that the change was exactly in the opposite direction. If we leave out of consideration the five letters which are not really of the nature in question, we find that in the first year (1617) the letters which contained *no* qualifying clause are to the others as three to four; in the second year as three to eight; and that in the third, fourth, and fifth they disappear entirely. And this fact is really of great importance, for it accords exactly with another fact of similar importance in Bacon's impeachment, namely, that few or none of the offences laid to his charge were less than two years old.

XXVIII.

STATEMENTS WHICH WE FIND
IN LORD CAMPBELL (p. 388).

FACTS WHICH WE FIND IN THE
BOOKS.

That the Lord Treasurer
Suffolk and his wife—being

Turning to "letter Nov.
13, 1619" (v. 522), we find

convicted in the Star Chamber of "trafficking with the public money"—were, on the advice of Sir E. Coke, who presided, ordered to be imprisoned and fined £30,000—a sentence too mild for the Chancellor, who told the King that 'Coke on this occasion had done his part *excellently*, but pursued his own constant course—activity in detecting the offence and moderation in punishing the offender.'” For the words which are quoted within inverted commas, we are referred to “letter November 18, 1619.”

that it runs in these words :

“ My Lord of Suffolk's cause is this day sentenced. My lord and his lady fined together at £30,000, with imprisonment in the Tower at their own charge. Bingley at £2,000 and committed to the Fleet. Sir Edward Coke did his part, I have not heard him do better, and *began with a fine of £100,000*, but the judges first, and most of the rest, reduced it as before. I do not dislike that things passed moderately ; and, all things considered, it is not amiss, and might easily have been worse.”

It is but just to Lord Campbell to suppose that he never saw the letter from which he professes to quote. He took the words no doubt from Mr. Montagu's *Life*, p. ccxxvi.—“ they were sentenced to imprisonment and fine, *not according to the judgement of Sir Edward Coke, of £100,000*, but of £30,000. Bacon commended Coke to the King as having done his part excellently (see letter 13 Nov. 1619, vol. xii. p. 77), but pursued his own constant course, activity in detecting the offence, and moderation in punishing the offender.”

We must add however that Lord Campbell, to entitle

himself to the excuse of having been misled by Mr. Montagu's ambiguous English, should have quoted Mr. Montagu himself, not his reference.

REMARKS.

I have already observed that Lord Campbell is always ready to correct those of his misstatements into which he has been betrayed by a misunderstanding of Mr. Montagu. In this instance accordingly he has accepted (I think for the second time) the full benefit of the criticism, and by substituting (p. 150) Bacon's words for Mr. Montagu's, has succeeded in removing the objection entirely. As this passage stands in the new volume, I believe the only exception that can be taken is to the word "*presided*" as applied to Coke. According to the order of proceeding in the Star Chamber, the councillor who was *lowest* in rank delivered his opinion *first*. Coke being at this time the lowest (*i. e.* the last sworn in) *began*, but certainly did not *preside*. This however being an error which the 'Examiner' had neglected to point out, Lord Campbell could not be expected to rectify it.

"And now," (continues the 'Examiner' in conclusion) "having exhausted our time, our space, and our patience, and, though we have not produced a third part of our evidence, having as we suppose proved our point, we may stop. Were it necessary we

could fill as many columns more with statements as distinctly contrary to the evidence as those we have produced. We could set forth a list, nearly as long probably, of statements equally positive, which, though we cannot quote evidence distinctly contradicting them, we are confident that Lord Campbell cannot quote a tittle of evidence to justify. We could cite at least one description of a law treatise, silently adopted from Mr. Montagu, and so inapplicable that we can hardly believe that Lord Campbell has even seen it; and more than one criticism upon moral and historical treatises, which make it impossible to believe that he has read them through. And by exhibiting a collection of Lord Campbell's versions of facts and Mr. Devey's versions of Lord Campbell, set forth side by side in parallel columns, we could show to the satisfaction of everybody (except perhaps the authors) how rapidly all truth is lost sight of when one careless or ambitious writer follows blindly the authority of another. But we suppose it will be thought that we have done enough."

REMARKS.

I said I would leave the conclusion to the reader's judgement; and if he has accompanied me thus far, he is now fully qualified to judge. Whether Lord Campbell can be relied upon as a reporter of facts, is the question. The evidence to the contrary has been set forth fully and clearly enough to make the argument intelligible even to those who know no more

of the subject than is here laid before them. The authorities appealed to are sufficiently accessible, and the references sufficiently precise, to make the verification both of the 'Examiner's' statements and my own an easy task. And if there be any one whom the proofs already produced have failed to convince, to offer him more of the same kind, though easy, would be useless.

Of Lord Campbell's general view of Bacon's life and character, (being merely a coarse version of Mr. Macaulay's, which was itself only an exaggerated version of the popular view,) it would be a waste of time to say anything. Bacon's own character is indeed a subject much more interesting than that of any of his biographers; but it should be discussed either by itself, or with reference to the opinions of some one who has at least wished and tried to understand it.

THE END.

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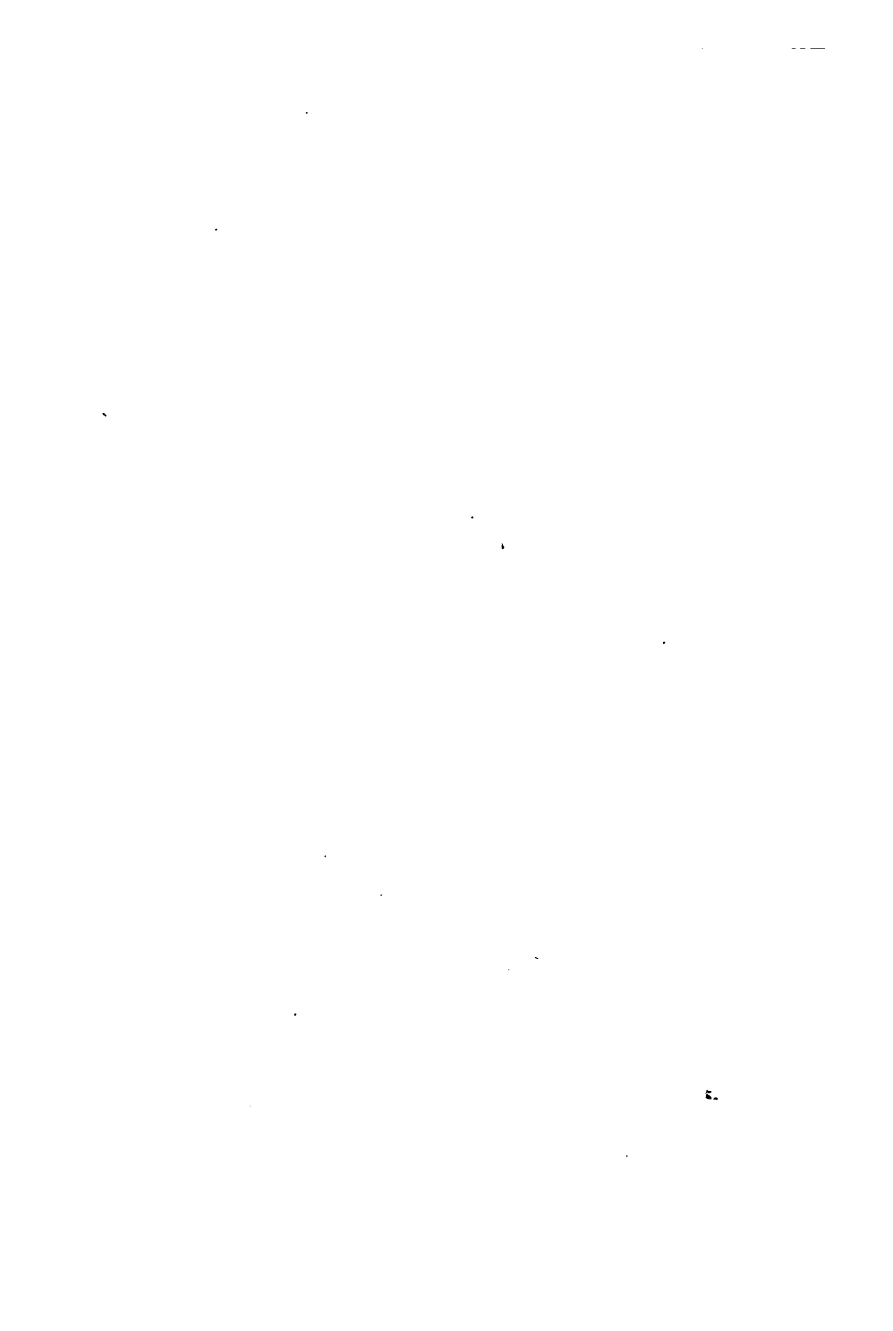
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